

### **138.30      Obtaining an Interpreter**

CIU is responsible for contacting the interpreting agency on contract with the department when a supervisor determines state law, federal law or department directives require a legally qualified interpreter be obtained. Employees should contact CIU only. Department employees, even those who are assigned to the bilingual unit, do not meet the requirements of legally qualified interpreters, as stated under law.

Revised 7/11; Revised 12/18

### **139.0 Language Assistance Plan**

The Oklahoma City Police Department recognizes the importance of effective and accurate communication between its personnel and the community. Language barriers can inhibit or prohibit individuals who are Limited English Proficient (LEP) from accessing or understanding important rights, obligations and services, or from communicating accurately in critical situations. Impaired communication with LEP individuals may present department personnel with safety and evidentiary issues. Ensuring effective communication between law enforcement and all segments of the community is essential to everyone involved.

The purpose of this procedure, in association with Policy 380.0 Language Assistance Plan is to establish effective guidelines consistent with Title VI of the Civil Rights Act of 1964 and the Omnibus Crime Control and Safe Streets Act of 1968 for departmental personnel to follow when providing services to, or interacting with LEP individuals.

Adopted 6/12

#### **139.10      Definitions**

**Bilingual Unit Member** – Any approved and designated member of the Oklahoma City Police Department's Bilingual Unit who demonstrates a tested proficiency in a second language(s) other than English.

**Exigent Circumstances** – Situations requiring deviation from procedures such as immediate threat to life, safety, property, a fleeing suspect or the potential loss or destruction of evidence.

General Contacts – Only those interactions with LEP individuals that are both informal and non-confrontational in nature, such as giving directions.

Interpretation – The act of listening/viewing a communication in one language (source language) and converting it to another language (target language) while retaining the same meaning.

Limited English Proficiency (LEP) – Individuals whose primary language is not English and have a limited ability to read, write, speak, or understand the English language.

Primary Language – The language in which an individual is most effectively able to communicate.

Qualified Interpreter – A member of the Bilingual Unit or a language line interpreter.

Translation – The replacement of written text from one language (source language) into an equivalent written text of another language (target language), while retaining the same meaning.

Vital Forms/Documents – Those documents used for official law enforcement purposes.

Adopted 6/12

### **139.20      Order of Preference for Using an Interpreter**

Employees shall provide language assistance services to LEP individuals they encounter in the following order of preference unless deviations are required.

1. Direct communication by a Bilingual Unit member – The preferred method of providing services to a LEP individual is through the use of a Bilingual Unit member.
2. Telephone Interpreter – When a qualified department interpreter is not available, employees may utilize the services of the contracted language line vendor.

Adopted 6/12

### **139.21      Restrictions on Use of an Interpreter**

- A. Family members, neighbors, friends, volunteers, bystanders, children or other department employees may be used to interpret for general contact situations.
- B. If an exigent circumstance requires an employee to use family members, neighbors, friends, volunteers, bystanders or children for initial language assistance, the employee shall seek the assistance of a qualified interpreter to confirm or supplement the initial translation or interpretation as soon as practical.
- C. If an employee believes a conflict of interest exists or identifies any other reason why a specific interpreter should not be used, the employee shall consult with his/her supervisor.

Adopted 6/12

### **139.30      Using or Obtaining an Interpreter**

When department personnel encounter a LEP individual, the following procedures shall be adhered to when non-exigent circumstances exist.

Adopted 6/12

### **139.31      Identification of the Individual's Primary Language**

- A. All employees will be provided a language identification card to aid in the identification of the primary language spoken by the LEP individual.
- B. Employees should display the language identification card to the LEP individual so he/ she can identify their language prior to calling a Bilingual Unit member or the language line. Once the language is identified, an appropriate interpreter shall be requested.
- C. If the LEP individual does not appear to be able to read or understand the language identification card, the employee should contact the language line vendor and request assistance from a representative in identifying the language spoken.

Adopted 6/12

### **139.35      Obtaining an Interpreter**

When an individual's primary language is not English and officers are not able to communicate with the individual, the officer should first determine if any Bilingual Unit member is on duty who speaks the individual's language and can assist the officer. If no such person is available the officer should follow procedures set forth herein.

#### **A. USE OF THE BILINGUAL UNIT**

1. The Communications Unit will maintain a list of all Bilingual Unit members. The Bilingual Unit supervisor shall provide the Communications Unit with a call out schedule.
2. When the services of an interpreter are needed, the Communications Unit shall determine whether a Bilingual Unit member is on-duty and available. If a Bilingual Unit member is not available, an on-scene supervisor may contact a Bilingual Unit supervisor for assistance. The Bilingual Unit supervisor will assist in obtaining appropriate language services

#### **139.45 General Contacts**

During a general contact with a LEP individual in which the employee is experiencing difficulty communicating, the employee shall utilize any of the available resources as identified in procedure 139.21A.

Whenever an employee encounters a LEP individual who requests an interpreter, employees shall seek the assistance of an on-duty Bilingual Unit member or use the language line.

In the event a general contact with a LEP individual leads to the completion of a crime incident report, the identity of the individual or resource used for interpretation shall be documented.

Adopted 6/12

#### **139.50 Formal Interviews**

The accuracy of victim and witness statements is essential in investigations. To ensure effective communication and accuracy, a Bilingual Unit member or other qualified interpreter shall be used when taking formal statements or conducting any formal interview of a LEP victim and/or witness.

Written forms shall be provided to the victim and/or witness in his/her primary language, when available. If the forms have not been translated into the LEP individual's primary language, or in the case of illiteracy, forms shall be read to the witness and/or victim in his/ her primary language by a qualified interpreter. While in a police facility, interviews of LEP individuals shall be recorded. When available, interviews conducted in the field should be recorded.

If the officer/investigator believes there is any conflict of interest with the assigned interpreter, bias, or any other reason why the interpreter should be recused, the officer/investigator shall consult with a supervisor to determine if the use of another interpreter is warranted.

Adopted 6/12

### **139.55 Interrogations**

Only a Bilingual Unit member or qualified interpreter shall be used in any interrogation as the suspect's legal rights could be adversely impacted.

The Miranda admonition and all other written forms shall be provided to the suspect in his/ her primary language when available. If the forms have not been translated into the LEP individual's primary language or in the case of illiteracy, forms shall be read to the suspect in his/ her primary language by a qualified interpreter. While in a police facility, interrogations of LEP individuals shall be recorded. When available, interrogations conducted in the field should be recorded.

If the officer/investigator believes that there is any conflict of interest with the assigned interpreter, bias, or any other reason why the interpreter should be recused, the officer/investigator shall consult with a supervisor to determine if the use of another interpreter is warranted.

### **139.60 Complaints of Employee Misconduct**

Any LEP individual who wishes to file a complaint of employee misconduct with the Oklahoma City Police Department shall be provided assistance in their primary language. Written forms shall be provided in his/her primary language, when available. If the forms have not been translated into the LEP individual's primary

language, or in the case of illiteracy, forms shall be read to the LEP individual in his/her primary language by a qualified interpreter.

Furthermore, notice of the disposition of any complaint filed by a LEP individual will be provided in their primary language.

Adopted 6/12

### **139.65      Reporting**

Whenever an employee encounters a LEP individual and an interpreter is used, the following information shall be documented in a report:

1. Identified language,
2. Bilingual Unit member contacted, interpretation service with the interpreter's identification, or any other individual used for interpretation, and
3. Summary of the information obtained.

A supplemental report should be completed by the interpreter when he/she is a police department employee. However, only one of the employees involved shall document the interview in the incident report.

Adopted 6/12

### **139.70      Issuance of Traffic / Parking Citations**

When an employee is unable to convey to the violator the nature of the infraction, and any other necessary actions to be taken, the employee shall access the authorized language resources outlined in Procedure 139.20 and 139.21.

Adopted 6/12

### **139.75      Notifying the Public about Language Services**

At each Oklahoma City Police Department building, signage shall be posted in the most commonly spoken languages stating interpreters are available at no charge to LEP individuals. The Oklahoma City Police Department shall maintain translated forms and documents for LEP individuals. Forms and documents will be translated into languages in accordance with United States Department of Justice

guidelines related to community demographics. Translated forms shall be available to all department employees and LEP individuals. In the case of illiteracy or languages in which written materials have not been translated, the forms and documents shall be read to the LEP individual in his/her primary language through use of the language line when no Bilingual Unit member is available.

Adopted 6/12

### **139.80      Monitoring and Updating Language Assistance Efforts**

- A. LEP Coordinator – The Chief of Police has designated the Bilingual Unit Supervisor as a LEP Coordinator responsible for coordinating and implementing all aspects of the department's services to LEP individuals.
- B. Community Review – The LEP coordinator shall annually assess demographic data, review contracted language access services, and consult with community-based organizations to determine if there are documents in need of being translated to other languages.
- C. Collection of LEP Contact Data - To better serve LEP individuals it is important to track the number of contacts and their language. The contacts will occur in two major areas within the department, at the Communications Unit and during field operations. The following shall be adhered to in order to accurately track the volume of LEP contacts.
  - 1. Communications Unit LEP Contacts – The Director of the Communications Unit or designee will be responsible for collecting dispatched LEP contacts and billing statements submitted by the telephonic language service provider.
  - 2. Field Operations LEP Contacts – When officers in the performance of their duties encounter a LEP individual, the officer shall track these contacts on the official Department Activity Tracking Form.

Adopted 6/12

### **139.85      Translated Police Forms**

The following vital department forms/documents have been translated by a qualified interpreter into Spanish and Vietnamese. An annual review shall be conducted by the Bilingual Unit supervisor and the Planning and Research Unit supervisor to ensure all vital forms and documents have been translated in to the necessary languages.

All of the listed forms/documents are accessible to any police employee and shall be used when applicable.

1. Sex Offender Registration
2. Sex Offender Registration First Time Offender
3. Larceny of Motor Vehicle Statement
4. Auto Theft Recovery of Vehicle Contact
5. Child Notification
6. Citizens Assistance
7. NCIC Stolen Property Validation Form
8. IA Affidavit Withdrawal Form
9. Formal Complaint
10. Domestic Violence Consent to Release Medical Records
11. Photo Line-Up Admonition
12. Refusal to Prosecute
13. Victim's Rights Card
14. Detective Contact Card
15. Voluntary Statement
16. Miranda – Adult
17. Miranda – Juvenile
18. Search Waiver Body
19. Search Waiver Computer
20. Search Waiver Premises
21. Search Waiver Vehicle
22. Consent for Blood Test
23. Implied Consent
24. Drivers' Responsibilities in Accidents and a Brief Summary of Driving Rules
25. PD-16
26. Polygraph Examination Rights Form
27. Records Fee Schedule
28. Records Request